

Before the
Federal Communications Commission
Washington, D.C. 20554

Massachusetts Department of)	
Telecommunications and Cable)	Section 76.910 INBOX
)	
Form 328 Certification of)	PSID No. 002938
Franchising Authority to)	Adams, Town of (MA0001)
Regulate Basic Service Rates and)	
Initial Finding of Lack of)	
Effective Competition)	

To: Chief, Media Bureau

MOTION FOR LEAVE TO FILE RESPONSE TO SURREPLY

Time Warner Cable Inc. (“Time Warner Cable”) hereby respectfully moves for leave to file the accompanying Response to Surreply in the above-referenced proceeding. The Response responds to arguments made by the Massachusetts Department of Telecommunications and Cable (the “MDTC”) in a February 4, 2016 Surreply that attacked Zip code and DBS subscriber data submitted by Time Warner Cable in earlier filings in this proceeding. The MDTC’s Surreply is outside the pleading schedule in this type of proceeding, where normally Time Warner Cable would have the opportunity to provide the last pleading submitted into the record prior to decision. Notably, Time Warner Cable has attacked the MDTC’s submission of an additional pleading, but instead simply asks that it be allowed to respond in turn to the MDTC’s final arguments. Restoring the normal order of the pleading cycle and providing Time Warner Cable the fair opportunity to respond as contemplated by the Commission rules constitutes the “extraordinary circumstances” necessary for the Commission to permit the additional pleading.¹

¹ 47 C.F.R. § 76.7(d).

For these reasons, acceptance of the accompanying Response to Surreply would serve the public interest and would not burden the MDTC or delay this proceeding. Accordingly, Time Warner Cable respectfully requests that the Commission grant this Motion and include the accompanying Response to Surreply in the record in this proceeding.

Respectfully submitted,

TIME WARNER CABLE INC.

By: _____


Craig Gilley

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Its Attorneys

Dated: February 18, 2016

CERTIFICATE OF SERVICE

I, Glenda Thompson, a secretary at the law firm of Mintz Levin Cohn Ferris Glovsky and Popeo PC, hereby certify that, on this 18th day of February, 2016, copies of the foregoing "Motion for Leave to File Response to Surreply" were sent via first-class mail, postage prepaid, to the following:

William Lake, Esq.*
Chief, Media Bureau
Federal Communications Commission
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*Via ECFS



Glenda Thompson